



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 18 2014

CERTIFIED MAIL 70121010000180970283
RETURN RECEIPT REQUESTED

Mr. Brad Sheehan
Director of Safety, Agent for Service
Express Jet Airlines, Inc.
990 Toffie Terrace
Atlanta, Georgia 30354-1356

Re: NOTICE OF VIOLATION
Aircraft Public Water System Identification Number: AC0000147
FAA Registry Number: N824AS

The U.S. Environmental Protection Agency oversees implementation of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f – 300j-26, and the Aircraft Drinking Water Rule (ADWR), 40 C.F.R. §§ 141.800 – 810. To facilitate implementation of the ADWR, the EPA has developed a centralized, web-based Aircraft Reporting and Compliance System (ARCS) for air carriers to use as an Agency approved method to submit required information in an electronic format.

Based on the EPA's review of the data submitted or not reported in ARCS by Express Jet Airlines, Inc., (Express Jet), there have been a number of violations by the aircraft public water system identification number AC0000147 for the monitoring period April 1, 2012 through June 30, 2012, and during calendar year 2013. One of these violations, which resulted from a total coliform-positive and *E.coli*-positive routine coliform sample result during calendar year 2013, has been addressed and returned to compliance. However, the violations from April 1, 2012 through June 30, 2012, monitoring period have not been addressed as of this date. These are violations of the SDWA and the ADWR and include the following:

1. Pursuant to 40 C.F.R. § 141.803(b), air carriers are required to perform routine disinfection and flushing (D&F). The information in ARCS and reviewed by the EPA indicates that Express Jet failed to perform routine D&F during the second quarter of calendar year 2012. Therefore, Express Jet is in violation of 40 C.F.R. §§ 141.803(b) and 141.810(a).
2. Pursuant to 40 C.F.R. § 141.806(b)(3), air carriers must report to the EPA routine D&F events no later than 10 calendar days following the D&F period in which the D&F occurred. The information in ARCS and reviewed by the EPA indicates that Express Jet failed to report D&F during the second quarter of calendar year 2012. Therefore, Express Jet is in violation of 40 C.F.R. §§ 141.806(b)(3) and 141.810(a).

3. Pursuant to 40 C.F.R. § 141.803(f), if an air carrier fails to perform routine D&F the air carrier must perform corrective actions. The information in ARCS and reviewed by the EPA indicates that Express Jet failed to perform the corrective actions required. Therefore, Express Jet is in violation of 40 C.F.R. §§ 141.803(f) and 141.810(a).
4. Pursuant to 40 C.F.R. § 141.806(b)(4), air carriers must report to the EPA all events requiring notification to passengers or crew, or non-routine D&F, or non-routine sampling within 10 days of the event. The information in ARCS and reviewed by the EPA indicates that Express Jet failed to report the non-routine D&F to the EPA. Therefore, Express Jet is in violation of 40 C.F.R. §§ 141.806(b)(4) and 141.810(a).

SDWA Section 1414, 42 U.S.C. § 300g-3, authorizes the EPA to take formal enforcement action against public water systems for violations of the national primary drinking water regulations, including ADWR. With this notice of violation, Express Jet is being offered the opportunity to meet with the EPA at its regional office in Atlanta, or via telephone conference, to discuss the ADWR issues identified above. This letter is both a notice of violation and an informal request for information. It does not represent the initiation of a formal enforcement action.

Although the offered meeting is informal in nature, Express Jet may be represented by legal counsel. You or your appropriate representative(s) are invited to present information relevant to the factual basis of the EPA's allegation and factors that might mitigate the alleged violation. You or your representative should be prepared to provide relevant documentation of all matters presented at the meeting or prior to a telephone conference. Please be advised that any information provided for the meeting or the telephone conference may be used by the EPA in any administrative, civil or criminal proceedings related to this or other matters. Therefore, within five (5) days of your receipt of this notice of violation, you or your representative must contact this office to arrange a meeting or teleconference.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* for your use and to assist you in understanding the compliance assistance resources and tools available to you.

To arrange the particulars of this meeting/telephone conference or if you have any questions, please contact Ms. Amanda Driskell, of my staff at (404) 562-9735 or driskell.amanda@epa.gov.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosure